

BILL ANALYSIS

✓ 67020

S.B. 626
By: Brooks

Senate Bill Analysis
6/22/89
Enrolled

BACKGROUND

To be supplied by sponsor.

PURPOSE

As proposed, S.B. 626 creates new law to create the elevator certification board, and establish inspections and minimum standards for elevators, escalators, and related equipment.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is granted to the elevator certification board under Section 1, Subsection (e), of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 106A, V.T.C.S., by adding Article 6145d, as follows:

Art. 6145d. (a) Defines "board," "commissioner," and "related equipment."

(b) Creates the elevator certification board (board), consisting of 3 members to be appointed by the Commissioner of Labor and Standards; specifies the composition of the board.

(c) Provides for the terms of board members. Requires the commissioner to appoint a presiding member of the board. Requires the board to meet at least once each calendar quarter. Requires a board member to serve without compensation.

(d) Requires the board to advise the commissioner on certain matters for the purpose of protecting public safety and to identify and correct potential hazards.

(e) Requires the board to adopt standards for the installation and operation of elevators, escalators, and related equipment (elevators) used by the public in certain buildings.

(f) Requires the commissioner to follow certain guidelines in adopting the standards.

(g) Requires the owner of real property on which an elevator is located to take certain actions.

(h) Requires a certificate of inspection to cover all elevators, escalators, and related equipment in a building and a structure appurtenant to the building, including a parking facility, that are owned by the same person or persons.

(i) Provides that certain persons are eligible to be inspectors. Prohibits the commissioner from requiring a person to post a bond or furnish insurance as a condition of certification.

(j) Prohibits the commissioner from taking certain actions against inspectors.

(k) Requires the owner of real property on which an elevator, escalator, or related equipment covered by this article is located to take certain actions.

(l) Provides for timely filing of the certificate of inspection.

(m) Authorizes the commissioner to charge the owner of real property an additional fee for late filing if the certificate copy and the fee are not timely filed.

(n) Requires a certificate of inspection to be conspicuously displayed in certain locations.

(o) Prohibits the commissioner from requiring the certificate of inspection to be displayed in certain locations.

(p) Requires fees collected under this article to be deposited to the credit of the general revenue fund and credited to an account that may be used by the commissioner of labor and standards only to administer and enforce this article.

(q) Authorizes the commissioner to compile a list of certified inspectors and employ personnel as necessary to enforce this article.

(r) Requires the commissioner to take certain actions upon learning of a violation under Subsection (k) of this article.

(s) Provides that the commissioner is entitled to appropriate injunctive relief. Authorizes the commissioner to bring suit in a district court in Travis County or in the county in which the violation occurs. Requires the attorney general to represent the commissioner in the suit if so requested.

(j) Provides that a person commits an offense if the person receives notice of a violation under Subsection (r) of this article and the person fails or refuses to remedy the violation before the 31st day after the date the notice is received. Provides that an offense under this subsection is a Class C misdemeanor, and each day of violation after the 30th day is a separate offense.

SECTION 2. (a) Effective date: September 1, 1989.

(b) Provides that an elevator, escalator, or related equipment is not required to comply with the standards adopted under this Act before January 1, 1991.

(c) Provides that a person is not required to comply with inspection and certification requirements added by this, or required to display the certificate of inspection required by this Act before January 1, 1991. Prohibits prosecution of a person for an offense committed under Article 6145d, V.T.C.S., before January 1, 1991.

(d) Requires the commissioner to appoint the members of the board not later than October 1, 1989. Requires the board to adopt rules to implement this Act not later than January 1, 1990.

SECTION 3. Emergency clause.